

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
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SENATE MEMORIAL 1007

A MEMORIAL

URGING THE SECRETARY OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION TO
SUSPEND A CROSS-BORDER TRUCKING PILOT PROGRAM FOR MEXICO DOMICILED TRUCKS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the Secretary of the United States Department of Transportation:

2 Your memorialist respectfully represents:

3 Whereas, the United States Department of Transportation has recently
4 unveiled a cross-border trucking pilot program (program), wherein United
5 States and Mexico domiciled trucks will soon be able to operate within each
6 respective foreign country; and

7 Whereas, previously, Mexico domiciled trucks were allowed to make
8 deliveries only within the commercial zone extending twenty miles inside the
9 United States border, at which point they would transfer their cargo to a
10 domestic carrier; and

11 Whereas, according to the United States Department of Transportation,
12 the program, originally a component of the North American Free Trade
13 Agreement (NAFTA), was designed to promote ease of trade and commerce between
14 the United States and Mexico; and

15 Whereas, while the United States Department of Transportation maintains
16 that United States inspection agents will ensure border safety by examining
17 the credentials of each driver and by inspecting every truck entering the
18 country, many concerned parties insist that additional oversight and
19 enforcement resources are still necessary; and

20 Whereas, labor leaders, safety advocates, domestic carriers, members of
21 Congress and even the United States Department of Transportation's own
22 inspector general's office have all indicated their apprehension in
23 implementing this program; and

24 Whereas, the inspector general's office, in a 2005 report, indicated
25 that the safety concerns raised shortly after the NAFTA's ratification in
26 1992 had still not been addressed and that the border should remain closed to
27 foreign carriers until such time as those issues could be resolved; and

28 Whereas, National Transportation Safety Board member Debbie Hersman has
29 questioned how we can afford to send agents to inspect Mexico domiciled
30 trucks at a time when United States agencies "lack the inspectors to conduct
31 safety reviews of at-risk domestic carriers" and only a handful of the
32 hundreds of thousands of domestic trucks are examined; and

33 Whereas, the United States Supreme Court has held that, since the
34 United States Department of Transportation currently lacks the regulatory
35 authority to prevent the operations of foreign trucks based on their
36 emissions, the affected states in the United States are burdened to seek
37 remedies to mitigate the environmental impacts of the tens of thousands of
38 Mexico domiciled trucks that are projected to operate within our borders and
39 that are not subject to strict environmental controls in their home country;
40 and

41 Whereas, as the program exists today, trucks entering the United States
42 from Mexico are not held to the same stringent federal regulations and safety
43 and air quality standards as domestic trucks and, as such, those substandard
44 trucks and low paid, possibly ineligible drivers represent a danger to users

1 of United States highways and our environment and threaten American jobs and
2 our national security; and

3 Whereas, the members of the Senate of the State of Arizona believe that
4 the program will create another regulatory burden for and place undue stress
5 on the already taxed resources of our state law enforcement and
6 transportation agencies; and

7 Whereas, the members of the Senate of the State of Arizona support the
8 goal of fair trade with our continental neighbors, however, cannot support
9 the program because it establishes an unfair method of competition in favor
10 of foreign companies.

11 Wherefore your memorialist, the Senate of the State of Arizona, prays:

12 1. That the United States Department of Transportation suspend the
13 program or any successor program until such time as foreign trucking
14 companies and their drivers operating within our borders can be held to the
15 same safety and regulatory standards as their domestic counterparts.

16 2. That the Secretary of State transmit copies of this Memorial to the
17 Secretary of the United States Department of Transportation and each member
18 of Congress from the State of Arizona.

UNANIMOUSLY ADOPTED BY THE SENATE JUNE 19, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 19, 2007.